

1                                   **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

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3                                   **RESOLUTION NO.**

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5                   **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH**  
6                   **FLORIDA WATER MANAGEMENT DISTRICT AMENDING SECTION**  
7                   **101-22 OF THE DISTRICT POLICIES CODE REGARDING**  
8                   **DELEGATIONS OF AUTHORITY RELATING TO CHAPTER 120,**  
9                   **FLORIDA STATUTES, ADMINISTRATIVE PROCEEDINGS;**  
10                  **DELEGATING AUTHORITY TO ACT ON A BROADER RANGE OF**  
11                  **UNDISPUTED PROCEDURAL MATTERS ASSOCIATED WITH THE**  
12                  **INITIATION OR CLOSURE OF ADMINISTRATIVE PROCEEDINGS;**  
13                  **PROVIDING FOR INCLUSION IN THE DISTRICT POLICIES CODE;**  
14                  **PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE**  
15                  **DATE**

16  
17                  **WHEREAS** the Governing Board had determined that it is necessary,  
18 appropriate and in the public interest to amend Section 101-22 of the District Policies  
19 Code regarding delegations of authority regarding Chapter 120, Florida Statutes,  
20 Administrative Proceedings; now therefore

21                  **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**  
22                  **WATER MANAGEMENT DISTRICT:**

23                  **Section 1.**               The Governing Board adopts the following amendments to the District  
24 Policies Code:

25                   **Sec. 101-22. - Chapter 120, Florida Statutes, Administrative Proceedings**  
26                   **Delegations.**

27                   (a) The Governing Board delegates to the Executive Director, General Counsel,  
28 and Deputy General Counsel authority for the following matters relating to

Chapter 120, Florida Statutes, Administrative Proceedings, including administrative hearings:

(1) Ruling on motions to extend the deadline for filing a petition for administrative hearing.

(2) Referral of petitions for administrative hearing for bid protests filed pursuant to Section 120.57(3), Florida Statutes, to the Division of Administrative Hearings (D.O.A.H.).

(3) Referral of petitions for administrative hearing to the Division of Administrative Hearings filed subsequent to the Executive Director or the Governing Board acting upon the permit application or other agency action being challenged.

(4) Entry of orders determining whether a petition for administrative hearing is timely filed or meets required pleading requirements.

(5) ~~Entry of final orders approving the withdrawal of a petition for administrative hearing.~~ Entry of final orders approving or rejecting administrative actions related to settlements, withdrawn petitions, voluntary case closures and other undisputed procedural matters associated with the initiation or closure of administrative proceedings.

(6) Responding to Section 403.412, Florida Statutes, petitions (petitions to enforce District actions).

(b) The Governing Board delegates to the Executive Director, ~~and~~ General Counsel and Deputy General Counsel authority to: ~~Execute~~ execute final orders following Governing Board action.

**Section 2.** Inclusion of Sections 1 of this resolution in the District Policies Code is authorized and directed.

**Section 3.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

**Section 4.**

This resolution shall take effect immediately on adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of December, 2010.

**SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD**

By:

\_\_\_\_\_  
Chairman

**ATTEST**

\_\_\_\_\_  
District Clerk

Approved as to form:

BY: \_\_\_\_\_

Office of Counsel